

Jonathan W. Johnson  
JONATHAN W. JOHNSON, LLC  
2296 Henderson Mill Road, Suite 304  
Atlanta, GA 30345  
Phone: (404) 298-0795  
Facsimile: (404) 941-2285  
EMAIL: jwj@jonathanjohnsonatlantalawyer.com

*Attorneys for Plaintiff*

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS	)	No. MD-15-02641-DGC
PRODUCTS LIABILITY LITIGATION	)	
	)	<b>SECOND AMENDED MASTER</b>
	)	<b>SHORT FORM COMPLAINT FOR</b>
	)	<b>DAMAGES FOR INDIVIDUAL</b>
	)	<b>CLAIMS AND DEMAND FOR JURY</b>
	)	<b>TRIAL</b>

Plaintiff(s) named below, for their Complaint against Defendants named below,  
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:  
  
KERRY A. TOMPKINS
2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of  
consortium claim:  
  
NONE
3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,  
conservator):  
  
NONE

1 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at  
2 the time of implant:

3 NEW YORK

4 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at  
5 the time of injury:

6 NEW YORK

7 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

8 NEW YORK

9 7. District Court and Division in which venue would be proper absent direct filing:

10 U.S.D.C. SOUTHERN DISTRICT OF NEW YORK

11 8. Defendants (check Defendants against whom Complaint is made):

12 ☒ C.R. Bard Inc.

13 ☒ Bard Peripheral Vascular, Inc.

14 9. Basis of Jurisdiction:

15 ☒ Diversity of Citizenship

16 ☐ Other: \_\_\_\_\_

17 a. Other allegations of jurisdiction and venue not expressed in Master

18 Complaint:

19 NONE

20 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a  
21 claim (Check applicable Inferior Vena Cava Filter(s)):

22 ☐ Recovery<sup>®</sup> Vena Cava Filter

23 ☐ G2<sup>®</sup> Vena Cava Filter

24 ☐ G2<sup>®</sup> Express Vena Cava Filter

25  
26  
27  
28

☐ G2<sup>®</sup> X Vena Cava Filter

☐ Eclipse<sup>®</sup> Vena Cava Filter

☐ Meridian<sup>®</sup> Vena Cava Filter

☒ Denali<sup>®</sup> Vena Cava Filter

☐ Other: \_\_\_\_\_

11. Date of Implementation as to each product:

MAY 5, 2017

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence – Design

☒ Count V: Negligence – Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

☒ Count XIII: Fraudulent Concealment

☒ Count XIV: Violations of Applicable New York Law Prohibiting

Consumer Fraud and Unfair and Deceptive Trade Practices

- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): NONE (please state the facts supporting  
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

- ☒ Yes
- ☐ No

RESPECTFULLY SUBMITTED this 21st day of March, 2019.

JONATHAN W. JOHNSON, LLC

By: /s/Jonathan W. Johnson

Jonathan W. Johnson

Georgia Bar No. 394830

2296 Henderson Mill Rd., Suite 304

Atlanta, GA 30345

Phone: 404-298-0795

Fax: 404941-2285

Email: jwj@jonathanjohnsonatlantalawyer.com

*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of March 2019, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

JONATHAN W. JOHNSON, LLC

By: /s/Jonathan W. Johnson

Jonathan W. Johnson

Georgia Bar No. 394830

2296 Henderson Mill Rd., Suite 304

Atlanta, GA 30345

Phone: 404-298-0795

Fax: 404-941-2285

Email: jwj@jonathanjohnsonatlantalawyer.com

*Attorneys for Plaintiff*